

Notice of Allowability

Application No.

10/046,032

Examiner

ALEX NOGUEROLA

Applicant(s)

WANG ET AL.

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/17/2004.
2. ☒ The allowed claim(s) is/are 1,2,4,5 and 7-48.
3. ☒ The drawings filed on 23 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12/17/2004.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: in line 4 on page 1 of the specification

-- now abandoned, -- has been inserted between "09/216,353," and "entitled".

Authorization for the following examiner's amendment was given by a fax from Stephen Slusher on December 17, 2004.

The application has been amended as follows:

- a) Claim 1, lines 3-4: "rhodium, iridium, or ruthenium" has been deleted;
- b) Claim 1, line 5: "metal oxide" has been replaced with -- RuO_x or IrO_x --;
- c) Claim 6 has been canceled;
- d) new claim 50 has been added: -- The apparatus of claim 1 wherein the metal comprises at least one metal selected from the group consisting of rhodium, iridium, and ruthenium. --;
- e) Claim 11, line 3: between "a" and conductive -- first -- has been inserted;

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- f) Claim 11, between lines 5 and 6: the following new line has been inserted -- a second conductive composite comprising a RuO_x or IrO_x catalyst; --
- g) Claim 11, line 7: -- first -- has been inserted between “a” and “cavity”;
- h) Claim 11, line 8: -- first -- has been inserted between “said” and “composite”;
- i) Claim 11, line 9: “and” has been deleted;
- j) Claim 11, between lines 9 and 10 the following new line has been inserted
-- a second cavity containing said second composite; and --;
- k) Claim 12, line 1: -- first -- has been inserted between “said” and “conductive”;
- l) Claim 13, line 1: -- first -- has been inserted between “said” and “conductive”;
- m) Claim 18, line 1: -- first -- has been inserted between “said” and “cavity”;
- n) Claim 19, line 1: -- first -- has been inserted between “said” and “cavity”;
- o) Claim 24, line 2: -- of the first -- has been inserted between “end” and “conductive”;
- p) Claim 29, line 10: “biosensor.” has been replaced with
-- biosensor,
wherein providing a first screen-printed, thick-film biosensor comprising glucose
and providing a second screen-printed, thick-film biosensor comprising a metal
oxide catalyst comprises providing a dual sensor test strip with the first screen-
printed, thick-film biosensor and second screen-printed, thick-film biosensor
disposed thereon. --
- q) Claim 49 has been cancelled;
- r) Claim 34, line 3: -- (1) -- has been inserted between “comprising” and “a”;
- s) Claim 34, line 3: -- first -- has been inserted between “a” and “conductive”;

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- t) Claim 34, line 5: -- first -- has been inserted between “a” and “reservoir”;
- u) Claim 34, line 5: -- first -- has been inserted between “the” and “composite”;
- v) Claim 34, line 6: -- first -- has been inserted between “the” and “composite”;
- w) Claim 34, line 7: -- first -- has been inserted before the first occurrence of “composite”;
- x) Claim 34, line 7: -- first -- has been inserted between “said” and “composite”; and
- y) Claim 34, line 7: after “1:8,” the following has been inserted -- and (2) a second reservoir containing a second conductive composite comprising a metal oxide selected from the group consisting of RuO_x and IrO_x , --.

Allowable Subject Matter

- 2. Claims 1, 2, 4, 5, and 7-48 are allowed.
- 3. The following is an examiner's statement of reasons for allowance:
 - a) independent claims 1, 11, and 34 now each require a second conductive composite comprising RuO_x or IrO_x .

In contrast, the sensor of Ikariyama comprises three electrodes: a working electrode comprising platinum powder and reagent, an Ag/AgCl reference electrode, and a platinum wire reference electrode (paragraph [0007]).

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Yamaguchi discloses a metal oxide reference electrode; however, it comprises silver halide and silver oxide (abstract). There is no suggestion that substituting RuO_x or IrO_x for silver oxide will yield the same benefits over the traditional Ag/AgCl reference electrode as Yamaguchi found with silver oxide. Thus, there is no motivation to substitute RuO_x or IrO_x for silver oxide in the reference electrode of Yamaguchi and then substitute this reference electrode for the Ag/AgCl reference electrode in Ikariyama.

Gorski discloses a carbon microelectrode with a RuO_x film, however, this microelectrode functions as an insulin sensor, not as a reference electrode (abstract); and

b) independent claim 29 requires that “providing a first screen-printed, thick-film biosensor comprising glucose oxidase and providing a second screen-printed, thick-film biosensor comprising a metal oxide catalyst comprises providing a dual sensor test strip with the first screen-printed, thick-film biosensor and second screen-printed, thick-film biosensor disposed thereon.” Ikariyama discloses using a biosensor only to detect glucose. Gorski discloses using a biosensor only to detect insulin. Neither Ikariyama nor Gorski discloses a dual sensor test strip. Furthermore, neither Ikariyama nor Gorski discloses screen-printed, thick films.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alex Noguerola

Primary Examiner

AU 1753

December 17, 2004